

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LIGHTHOUSE RESCUE MISSION	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 3:15-cv-2787
vs.	§	
	§	JURY
NORTHFIELD INSURANCE COMPANY	§	
	§	
Defendant.	§	

DEFENDANT’S NOTICE OF REMOVAL

Defendant Northfield Insurance Company (“Northfield” or “Defendant”) files its Notice of Removal of this action from the 116th Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant shows this Court as follows:

1. On May 12, 2015, Plaintiff Lighthouse Rescue Mission (“Plaintiff”) commenced an action in the 116th Judicial District Court of Dallas County, Texas, styled *Lighthouse Rescue Mission vs. Northfield Insurance Company*, where it was assigned Cause No. DC-15-05397.
2. On July 31, 2015, Northfield was served with a citation through the Texas Secretary of State. *See* Ex. A-9. Removal is timely because thirty (30) days have not elapsed since Defendant was served with a summons or citation. 28 U.S.C. §1446(b)(1); *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (holding that the 30-day deadline to remove begins on the date the summons or citation is served even if the complaint is received at a prior date).

3. Defendant is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal to the clerk of the 116th Judicial District Court of Dallas County, Texas, and will serve a copy of the Notice of Removal on Plaintiff.

4. In accordance with Local Rule 81.1, attached collectively as Exhibit “A” are all materials filed in the state court. Defendant has also filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

GROUND FOR REMOVAL: DIVERSITY

5. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

(a) The amount in controversy exceeds the federal minimum jurisdictional requirements.

6. “Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.” *See* Ex. A-2 at § IV. Accordingly, the amount in controversy meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

(b) Complete diversity between Plaintiff and Defendant exist.

7. Corporations “shall be deemed to be a citizen of every state and foreign state by which it has been incorporated and the state or foreign state where it has its principal place of business. . . .” 28 U.S.C. § 1332(c)(1).

8. Plaintiff is a non-profit corporation organized under the laws of the State of Texas with its principal place of business in the State of Texas. Accordingly, Plaintiff is a citizen of Texas.

9. Defendant is a corporation organized under the laws of the State of Iowa with its principal place of business in the State of Connecticut. Accordingly, Defendant is a citizen of Iowa and Connecticut.

10. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while Defendant is not, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, Defendant prays that the above-described action now pending in the 116th Judicial District Court of Dallas County, Texas be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis

WM. LANCE LEWIS

State Bar No. 12314560

ALISSA PUCKETT

State Bar No. 24056886

QUILLING, SELANDER, LOWNDS,

WINSLETT & MOSER, P.C.

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100 (Phone)

(214) 871-2111 (Fax)

llewis@qslwm.com

apuckett@qslwm.com

**ATTORNEYS FOR DEFENDANT
NORTHFIELD INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been furnished to counsel of record as provided below, via CM/ECF and/or via certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, this 26th day of August 2015:

Matthew R. Pearson
Jonathan C. Lisenby
GRAVELY & PEARSON, L.L.P.
425 Soledad, Suite 600
San Antonio, Texas 78205
(210) 472-1110 (Fax)
mpearson@gplawfirm.com
jlisenby@gplawfirm.com

/s/ Alissa Puckett

Alissa Puckett